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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	m.	ATTORNEY DOCKET NO.
08/368,378	01/14/95	BOVA		D	74247

19M1/0826

PETER J. MANSO JENKENS & GILCHRIST 1445 ROSS AVENUE SUITE 3200 DALLAS TX 77002

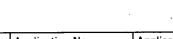
		
ABT UNIT	PAPER NUMBER	
, 1501	29	

DATE MAILED:

08/26/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



Application No. 08/368,378

Applicant(s)

BOVA

Examiner

Office Action Summary

JYOTHSNA VENKAT

Group Art Unit 1931



Responsive to communication(s) filed on Aug 4, 1997	·		
This action is FINAL .			
Since this application is in condition for allowance except for fin accordance with the practice under Ex parte Quayle, 1935			
shortened statutory period for response to this action is set to ellonger, from the mailing date of this communication. Failure to eplication to become abandoned. (35 U.S.C. § 133). Extension 7 CFR 1.136(a).	respond within the period for response will cause the		
sposition of Claims			
	is/are pending in the application.		
Of the above, claim(s)	is/are withdrawn from consideration.		
Claim(s)			
☐ Claim(s)			
Claims			
pplication Papers See the attached Notice of Draftsperson's Patent Drawing The drawing(s) filed on is/are objected			
 ☐ The proposed drawing correction, filed on ☐ The specification is objected to by the Examiner. ☐ The oath or declaration is objected to by the Examiner. 			
ority under 35 U.S.C. § 119			
Acknowledgement is made of a claim for foreign priority un	nder 35 U.S.C. § 119(a)-(d).		
☐ All ☐ Some* ☐ None of the CERTIFIED copies of t	the priority documents have been		
received.			
received in Application No. (Series Code/Serial Number			
received in this national stage application from the Ir	iternational Bureau (PCT Rule 17.2(a)).		
*Certified copies not received: Acknowledgement is made of a claim for domestic priority	under 35 U.S.C. § 119(e).		
tachment(s)			
☐ Notice of References Cited, PTO-892			
	s). <u>21,25</u>		
☐ Interview Summary, PTO-413			
Notice of Draftsperson's Patent Drawing Review, PTO-948	1		
□ Notice of Informal Patent Application, PTO-152			
SEE OFFICE ACTION ON TH	IE FOLLOWING PAGES		

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DETAILED ACTION

Receipt is acknowledged of supplemental prior art, change of address, letter regarding fee, amendment D and prior art filed on 7/10/97,7/18/97 and 8/4/97.

The amendment canceled claims 13-14 and added claims 16-18. Claims 1-9 and 15-18 are pending in the application. The status of the application is as follows:

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-9 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.Patent, 5,268,181 (181).

See claims 1-11, see col.2, lines 35 et seq, see col.3, lines 30-65, see line 67 for "controlled release". See col. 4, for the cellulose derivatives claimed by the applicants, see the dosage range, see claims for PVP, see col.4, lines 57-61 for the lubricating agent.

The 131 declaration filed is unpersuasive as the rejection can be overcome only by interference proceedings.

Applicant is also advised that an affidavit under 37 CFR 1.608 (b) or evidence and an explanation under 37 CFR 1.608(b), must be submitted. Applicants attention is drawn to MPEP 2308.01, page 2300-20, col.2, 3 rd paragraph for the procedure.

For the purposes of the interference the count is claim 1 of the patent or claim 1 of the application or claim 15 of the application.

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Paper no.3 is drawn to the same rejection and it is not new ground of rejection and therefore this action is made final

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Venkat whose telephone number is (703)306-3495. The examiner can normally be reached on Monday-Friday from 9:30 a.m.-5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (703)306-3484. The fax phone number for this group is (703)308-4363.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)306-3486.

Jyothsna Venkat, Ph. D.

Primary Examiner

J. Venkat

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August 24, 1998